

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

JAN 28 2014

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

JAMES W. McCORMACK, CLERK
By: Jane Honeycutt
DEP. CLERK
PLAINTIFF

ANITA K. WILLIAMS

vs.

Case No. 3:14-cv-00028 BSM/JOV

JURY TRIAL DEMANDED

JASON MODDE, and
JOHNSTON TRUCKING, INC.

DEFENDANTS

COMPLAINT

This case assigned to District Judge MILLER
and to Magistrate Judge VOLPE

COMES NOW the Plaintiff, Anita K. Williams, by and through counsel, and for her
cause of action against Defendants Jason Modde and Johnston Trucking, Inc., states as
follows:

I. PARTIES

1. Plaintiff Anita K. Williams is an adult citizen of Portageville, Pemiscot County,
Missouri.

2. Defendant Jason Modde is an adult citizen of Jonesboro, Arkansas and may be
served with process of this Court by serving copies of the Summons and Complaint on said
Defendant at the following address:

Jason Modde
5508 Hollow Creek Lane
Jonesboro, Arkansas 72404

3. Defendant Johnston Trucking, Inc. is a corporation incorporated and with its
principal place of business in Arkansas and may be served with process of this Court by
serving copies of the Summons and Complaint to its registered agent at the following address:

Ronald Johnston
c/o Johnston Trucking Inc.
200 Harry Drive
Bono, Arkansas 72416

II. JURISDICTION AND VENUE

4. All of the wrongs complained of herein occurred in Mississippi, County, Arkansas.

5. There is complete diversity between the parties, and the amount of controversy, exclusive of interest and costs, exceeds \$75,000.

6. Therefore, the United States District Court for the Eastern District of Arkansas has jurisdiction over this action pursuant to 28 U.S.C. §1332.

7. Pursuant to 28 U.S.C. §1391, venue is proper in the United States District Court for the Eastern District of Arkansas, Jonesboro Division.

III. FACTS

8. On or about February 6, 2013, Plaintiff Anita Williams operated a 2007 Chevrolet Silverado in a southerly direction on Interstate 55 in Mississippi County, Arkansas.

9. At said time and place, Defendant Jason Modde operated a 2007 Freightliner CL120 in a southerly direction on Interstate 55 in Mississippi County, Arkansas.

10. At said time and place, Defendant Jason Modde suddenly decreased the speed of his 2007 Freightliner CL 120, without signaling, causing Plaintiff's vehicle to collide with the Freightliner CL 120.

11. At all times relevant hereto, Defendant Jason Modde was an agent, servant, and employee of Johnston Trucking, Inc. and was acting in the normal course and scope of his employment and/or agency. Therefore, the negligent, careless and reckless acts of Defendant

Jason Modde, as herein alleged, are imputable to Defendant Johnston Trucking, Inc., and Defendant Johnston Trucking, Inc. is vicariously liable for the negligent actions and inactions of its agent, servant and employee, Defendant Jason Modde, under the doctrine of *respondereat superior*.

IV. CAUSE OF ACTION – NEGLIGENCE

12. The actions and inactions of Defendant Jason Modde individually and as the agent, employee and servant of Johnston Trucking Inc. constitute negligence, said negligence including, but not limited to the following:

- a. The Defendant suddenly decreased his speed without giving an appropriate signal;
- b. The Defendant failed to maintain proper control of his vehicle for the circumstances then and there existing;
- c. The Defendant failed to use ordinary care in the operation of his vehicle under the circumstances then and there existing;
- d. The Defendant failed to exercise the requisite degree of care and precaution necessary to avoid causing the subject accident;
- e. The Defendant failed to maintain the minimum posted speed limit.

13. As a direct and proximate result of the aforesaid negligence of Defendant Jason Modde, Plaintiff Anita Williams suffered injuries to her arms, shoulders, neck, back, face, legs and to her body as a whole, and Plaintiff Anita Williams will continue to have pain and suffering, as a result of the injuries sustained.

14. As a direct and proximate result of the aforesaid negligence of the Defendant, the Plaintiff Anita Williams has lost and will continue to lose the natural enjoyment of everyday living.

15. As a direct and proximate result of the aforesaid negligence of the Defendant, Plaintiff Anita Williams was required to seek medical attention, and Plaintiff has incurred and will continue to incur substantial charges therefor.

16. The damages of Plaintiff Anita Williams exceed \$75,000.

WHEREFORE, PREMISES CONSIDERED, Plaintiff Anita Williams prays that this Court enter judgment against Defendants Jason Modde and Johnston Trucking, Inc., jointly and severally, for such damages as are fair and reasonable to compensate Plaintiff Anita Williams for her injuries and damages, said amount being greater than that required for federal court jurisdiction in diversity of citizenship cases, \$75,000, exclusive of interest and costs; together with all costs of court; and for such other and further relief as may be just and proper

DEMAND FOR JURY TRIAL

COME NOW the Plaintiff, Anita Williams, and pursuant to Rule 38 of the Federal Rules of Civil Procedure hereby demands a trial by jury of any and all issues so triable.

Respectfully submitted,

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